valid, the *lex domicilii* may refuse to impose thereon the resulting status of marriage. *Hall* v. *Industrial Commission*, 165 Wis. 364, 162 N. W. 312; *Brook* v. *Brook*, 9 H. of L. Cas. 193. See 26 HARV. L. REV. 538. Construing the statute in the principal case as a limitation upon the decree of divorce, the original marriage was not completely dissolved until the specified time had elapsed. Accordingly, although the marriage contract was valid by the *lex loci*, the *lex domicilii* could not impose thereon the marriage status. *Warter* v. *Warter*, 15 P. D. 152. *Cf. Hooper* v. *Hooper*, 67 Ore. 191, 135 Pac. 525. The Washington decisions, however, construe the statute as applying only to persons who remain domiciled in the state, so that either party could remarry during the prohibited period by acquiring a new domicile. *State* v. *Fenn*, 47 Wash. 561, 92 Pac. 417; *Pierce* v. *Pierce*, 58 Wash. 622, 109 Pac. 45. As to property acquired after marriage by the husband or wife, or both, Washington, following the civil-law doctrine, considers such to be community property. See 1915, REM. CODE, 2155, § 5917. Even where the marriage is annulled, yet if the parties in good faith believed they were married, as in the principal case, the community doctrine permits the acquests to be divided equally between the man and woman. *Lawson* v. *Lawson*, 30 Tex. Civ. App. 43, 69 S. W. 246; *In re Brenchley's Estate*, 96 Wash. 223, 164 Pac. 913. It is unfortunate, however, to call this property "partnership" property, for that term implies not a marital relation but a business relation entered into for profit. See LINDLEY, PARTNERSHIP, 6 ed., 3, 10; BALLINGER, COMMUNITY PROPERTY, §§ 15, 16.

FEDERAL COURTS — DIVERSITY OF CITIZENSHIP — DOMICILE AS THE EQUIVALENT OF STATE CITIZENSHIP. — The plaintiff, a citizen of the United States, had acquired a domicile in California. He left that state never intending to return, and toured the United States. In the course of his travels he came temporarily to Virginia. He there sued the defendant in a federal court, claiming citizenship in California. *Held*, that the bill be dismissed for want of jurisdiction. *Pannill* v. *Roanoke Times Co.*, 252 Fed. 910 (Dist. Ct.).

To sue in a federal court the plaintiff must be a citizen of some state. *New Orleans* v. *Winter*, 1 Wheat. (U. S.) 91. A citizen of the United States is a citizen of the state wherein he resides. U. S. CONST., Art. XIV, § 1. But the residence must be *animo manendi*. *Marks* v. *Marks*, 75 Fed. 321; *Hammerstein* v. *Lyne*, 200 Fed. 165. As in the principal case a person may thus be a citizen of the United States and not a citizen of any particular state. *Hough* v. *Société Elec. Westinghouse de Russie*, 231 Fed. 341. See *Slaughter House Cases*, 16 Wall. (U. S.) 36, 74. This fact is also illustrated by the status of citizens of territories and of the District of Columbia. *Hepburn* v. *Ellzey*, 2 Cranch (U. S.) 452; *New Orleans* v. *Winter*, *supra*. The courts requiring a residence *animo manendi* for citizenship also say domicile in a state is the substantial equivalent of citizenship in that state. See *Harding* v. *Standard Oil Co.*, 182 Fed. 421, 423; *Hammerstein* v. *Lyne*, 200 Fed. 165, 170. Now one's last domicile remains until a new one is acquired. *Desmare* v. *United States*, 93 U. S. 605. It might seem to follow that one remains a citizen of the state of his domicile even when he leaves it *sans animum revertendi*, so long as he has not acquired a new domicile. But the court in the present case correctly sees that such a result would be utterly inconsistent with the settled view that state citizenship requires permanent residence.

GARNISHMENT — EFFECT OF GARNISHMENT — VALIDITY OF JUDGMENT AGAINST GARNISHEE WHEN PRINCIPAL DEFENDANT IS GIVEN NO NOTICE. — In an action in Tennessee to recover wages, the defendant proved as a defense a judgment obtained against it as garnishee in a proceeding in Virginia. In the garnishment proceeding no service, actual or constructive, was made on

the principal defendant, the present plaintiff, and no notice was given him by the garnishee. *Held*, that the garnishment judgment was valid and a defense to the present action. *Southern Ry. Co.* v. *Williams*, 206 S. W. 186 (Tenn.).

It is established law that jurisdiction over a debt in garnishment proceedings may be obtained by acquiring personal jurisdiction anywhere over the garnishee. *Harris* v. *Balk*, 198 U. S. 215; *Louisville & Nashville R. R. Co.* v. *Deer*, 200 U. S. 176. The soundness of this doctrine may well be questioned. See 27 HARV. L. REV. 107; 31 HARV. L. REV. 917. Exercising the jurisdiction so obtained with no notice to the principal defendant except an "extrajudicial" one from the garnishee has been held by the Supreme Court of the United States to be "due process of law." *Baltimore & Ohio Ry. Co.* v. *Hostetter*, 240 U. S. 620. The principal case is in accord with the latter decision on this point, because the presence or absence of such an extrajudicial notice can have no effect on the constitutionality of the proceedings. But it has been held, contrary to the decision in principal case, that such notice is necessary to protect the garnishee from repayment of the debt to the principal defendant. *Pierce* v. *Chicago Ry.*, 36 Wis. 283; *St. Louis & S. F. R. Co.* v. *Crews*, 151 Pac. 879 (Okla.). See also *Morgan* v. *Neville*, 74 Pa. St. 52, 57; *Harris* v. *Balk*, 198 U. S. 215, 227. On ordinary principles, the failure by the garnishee to give notice can make him liable to pay the debt a second time only because his negligence has injured the principal defendant to that extent. It should therefore, it is submitted, be necessary for the principal defendant, in his suit against the garnishee, to show (1) (*injury*) that the claim of the plaintiff in the garnishment proceedings was unjust, and (2) (*causation*) that the claim could have been successfully resisted if the garnishee had given the omitted notice. Since neither of these elements of liability was established in the principal case, the decision, notwithstanding its obvious injustice to the present plaintiff, seems the correct one if we are logically to follow *Harris* v. *Balk* and *Baltimore & Ohio Ry. Co.* v. *Hostetter*, *supra*.

HUSBAND AND WIFE — CRIMINAL CONVERSATION — RIGHT OF WIFE TO SUE. — The plaintiff, a married woman, sued another woman for criminal conversation with the plaintiff's husband. *Held*, the plaintiff may recover. *Turner* v. *Heavrin*, 206 S. W. 23 (Ky.).

Under the old common law a wife either had no right of action for the alienation of her husband's affections or for criminal conversation with him, or else she had a right she could not enforce because of the necessity of joining her husband, one of the wrongdoers as a party plaintiff. See *Lynch* v. *Knight*, 9 H. L. 577, 594, 595; *Humphrey* v. *Pope*, 122 Cal. 253, 257, 53 Pac. 847, 848 (affirmed in 1 Cal. App. 374, 82 Pac. 223); *Haynes* v. *Nowlin*, 129 Ind. 581, 584, 29 N. E. 389, 390. A few jurisdictions still follow the old rule, sometimes on account of a needlessly narrow interpretation of Married Women's Property Acts. *Morgan* v. *Martin*, 92 Me. 190, 42 Atl. 354; *Lellis* v. *Lambert*, 24 Ont. App. 653. Most jurisdictions now, however, allow a wife recovery in an action for alienation of affections, especially where the action involves both alienation of affections and criminal conversation. *Messervy* v. *Messervy*, 82 S. C. 559, 64 S. E. 753; *Nolin* v. *Pearson*, 191 Mass. 283, 77 N. E. 890. While generally the cases fail to distinguish the two actions, one court has held that a wife may maintain an action for alienation of affections, but not for criminal conversation. *Kroessin* v. *Keller*, 60 Minn. 372, 62 N. W. 438. Another court held in a *dictum* the wife could maintain either. *Dodge* v. *Rush*, 28 App. D. C. 149, 153, The present case, allowing recovery for criminal conversation alone, seems sound.

JURISDICTION — CIVIL AND MILITARY TRIBUNALS — CALL TO SERVICE UNDER THE DRAFT ACT WHILE AWAITING SENTENCE IN A CIVIL TRIBUNAL. — The